

AMENDED IN ASSEMBLY APRIL 26, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1932

Introduced by Assembly Member Benoit

February 1, 2006

An act to amend Sections 626, 1803.5, 1808.7, 11202.5, 11205.2, 11208, 11212, 11214, 11215.5, 11216.2, 11219.5, 41501, 42005, ~~42007, 42007.1, 42007.3, and 42007.4~~ and 42007 of, to add Sections 11200.1, 11201, 11202.1, 11202.2, 11205.3, 11205.5, 11205.6, 11208.5, 11219.1, 11219.2, and 11219.4 to, to repeal Sections 11205, 11205.1, and 42005.1 of, and to repeal and add Sections 11200, 11202, and 11219.3 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1932, as amended, Benoit. Vehicles: traffic violator schools.

(1) Existing law authorizes a court to order a person issued a notice to appear for a traffic violation to attend a traffic violator school licensed under certain provisions of the Vehicle Code, in lieu of adjudicating the traffic offense, and with the consent of the defendant, or after conviction of a traffic offense. Existing law also permits a court to order a continuance against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, and after that attendance, to dismiss the complaint, as specified. Existing law requires the clerk of the court to collect a fee from a person who is

ordered or permitted to attend a traffic violator school, as specified, or who attends any other court-supervised program of traffic safety instruction.

Existing law provides for the licensing and administration by the Department of Motor Vehicles of traffic violator schools, operators, and instructors in a classroom setting.

Existing law requires a traffic violator school owner to file a bond of \$2,000 with the department.

Existing law establishes fees related to the department's licensing of traffic violator schools.

Existing law requires moneys received by the department under the Vehicle Code to be deposited in the Motor Vehicle Account in the State Transportation Fund.

Existing law requires the department to publish a traffic violator school referral list of all the approved locations of traffic violator school classes, by school name, for transmittal to the courts, in sufficient quantity to allow the courts to provide a copy to each person referred to traffic violator school.

The bill would substantially revise this existing law by, among other things, doing the following:

(a) Recast the definition of the term "traffic violator school" to provide that a program of instruction in traffic safety may include a classroom-based method of instruction or other department approved nonclassroom based methods of instruction, including, but not limited to, correspondence, handbook, video, or Internet-based method of instruction.

(b) Provide for the licensing of traffic violator schools, by the department as to those schools that may offer instruction in traffic safety in a classroom based setting or through a home study program, or both. The bill would allow a licensed traffic violator school to offer a home study program, in combined or multiple formats.

(c) Require a traffic violator school to file with the department a bond for ~~\$10,000~~ *\$2,000 if the school offers only a classroom-based program of instruction in traffic safety, and a bond for \$15,000 for a school that offers a home-study based program of instruction in traffic safety.*

(d) Increase some of the fees related to the department's licensing of traffic violator schools that offer a home study program. The bill would require the department to charge a traffic violator school a nonrefundable \$3 fee for each completion certificate with the money

from this fee, and the other licensing fees, being deposited in the Traffic Violator School Account, which the bill would create in the Motor Vehicle Account of the State Transportation Fund, with all of these moneys, upon appropriation, being used by the department for traffic violator school purposes, as specified.

(e) Substantially revise the procedure for obtaining a traffic violator school name through the department.

(f) Require the department to develop lesson plan and curriculum criteria for both classroom based and home study programs that are designed to reduce subsequent traffic violations and traffic collisions by those persons completing traffic violator school, and are designed to allow different forms of instruction.

(g) Require an applicant for a traffic violator school license to comply with specified requirements.

(h) Require the department to publish an accurate list, as specified, of the owners and operators of traffic violator schools licensed by the department on its Web site with each superior court in the state having access to this information. *The bill would place certain duties on the courts with respect to providing traffic violators printed copies of the list and other information as to the department's Web site and toll-free telephone number and would allow a court to develop its own referral list, as specified.*

(i) Prohibit the disclosure of records of traffic violator schools related to traffic violators, except as specified.

(j) Require each person completing a course in traffic safety, as a condition to receiving a certificate of completion, to demonstrate his or her knowledge of program materials, as specified,. The bill would require a traffic violator completing a home-based program of traffic safety instruction to state or acknowledge, under penalty of perjury, that he or she personally completed the entire home study program and the final examination.

(k) Authorize a court to order a continuance of a proceeding against a person, who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for completion of instruction in traffic safety at a licensed traffic violator school, rather than in consideration for attendance at a licensed traffic violator school, licensed driving school, or any other court approved program of driving instruction. The bill would make corresponding changes and would repeal an authorization to participate in an alternative study.

~~(1) Increase an additional fee charged to traffic violators who are ordered or permitted to attend traffic violator school from \$24 to \$27, with the additional \$3 fee to be deposited in the Traffic Violator School Account in the Motor Vehicle Account of the State Transportation Fund.~~

Because this bill could expand the scope of the crime of perjury and because a violation of the provisions of the Vehicle Code relating to occupational licensing and business regulation is a misdemeanor, the bill would establish a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) It is the intent of the Legislature to have
2 only one set of rules and regulations developed by the
3 Department of Motor Vehicles that are applicable to licensees
4 under Chapter 1.5 (commencing with Section 11200) of Division
5 5 of the Vehicle Code.

6 (b) It is the further intent of the Legislature that, in following
7 the separation of powers principles explicitly declared in Section
8 3 of Article III of the California Constitution, the Department of
9 Motor Vehicles, as the sole licensing authority for traffic violator
10 schools, operators, and instructors licensed under Chapter 1.5
11 (commencing with Section 11200) of Division 5 of the Vehicle
12 Code, shall, except as statutorily provided, have the exclusive
13 authority to license, inspect, monitor, and audit traffic violator
14 school licensees.

15 SEC. 2. Section 626 of the Vehicle Code is amended to read:

16 626. (a) A “traffic violator school” is a business that, for
17 compensation, provides, or offers to provide, a program of
18 instruction in traffic safety, including, but not limited to, traffic
19 violator curricula, for persons referred by a court pursuant to

1 Section 42005 or to other nontraffic violator persons who elect to
2 attend.

3 (b) As used in subdivision (a), “instruction” includes a
4 classroom-based method of instruction, or other department
5 approved nonclassroom methods of instruction including, but not
6 limited to, correspondence, handbook, video, or Internet-based
7 methods.

8 *SEC. 2.5. Section 1803.5 of the Vehicle Code is amended to*
9 *read:*

10 1803.5. ~~(a) In accordance with Section 41501 or 42005, the~~
11 ~~clerk of a court or hearing officer, when a person who receives a~~
12 ~~notice to appear at a court or board proceeding for a violation of~~
13 ~~any a statute relating to the safe operation of vehicles is granted a~~
14 ~~continuance of the proceeding in consideration for attendance~~
15 ~~completion of a program of instruction in traffic safety at a~~
16 ~~school for traffic violators, a licensed driving school, or any other~~
17 ~~court-approved program of driving instruction department~~
18 ~~licensed traffic violation school, and which that results in a~~
19 ~~dismissal of the complaint in consideration for that attendance~~
20 ~~completion, shall prepare an abstract of the record of the court or~~
21 ~~board proceeding, certify the abstract to be true and correct, and~~
22 ~~cause the abstract to be forwarded to the department at its office~~
23 ~~at in Sacramento within 10 days after the complaint is dismissed.~~

24 ~~(b) This section shall become operative on September 20,~~
25 ~~2005.~~

26 *SEC. 3. Section 1808.7 of the Vehicle Code is amended to*
27 *read:*

28 1808.7. The record of the department relating to the first
29 proceeding and dismissal under Section 1803.5 in any 18-month
30 period for completion by a person of a program of instruction in
31 traffic safety at a department licensed traffic violator school, is
32 confidential, shall not be disclosed to any person, except a court,
33 and shall be used only for statistical purposes by the department.

34 *SEC. 4. Section 11200 of the Vehicle Code is repealed.*

35 *SEC. 5. Section 11200 is added to the Vehicle Code, to read:*

36 11200. (a) A person shall not own or operate a traffic
37 violator school or, except as provided in Section 11206, give
38 instruction in traffic safety for compensation without a currently
39 valid license issued by the department. The department shall
40 license traffic violator schools that offer to provide a program of

1 instruction in traffic safety to traffic violators for purposes of
2 Section 42005 or to other persons who elect to attend.

3 (b) A licensed traffic violator school may offer instruction in
4 traffic safety in a classroom-based setting or through a home
5 study program, or both. A traffic school may offer a department
6 approved home study program in combined or multiple formats.

7 SEC. 6. Section 11200.1 is added to the Vehicle Code, to
8 read:

9 11200.1. (a) Within 90 days after the adoption and
10 publication of regulations by the department regarding the
11 submission of applications, an applicant for licensing as a home
12 study program shall submit to the department an application for
13 licensing as a home study program.

14 (b) The department shall act on an application submitted
15 during the period described in subdivision (a) within 180 days
16 following the conclusion of the 90-day application period. If the
17 department determines an application does not meet all licensing
18 requirements, the department shall provide in writing to the home
19 study applicant the reasons for disapproval. The department shall
20 allow the applicant an additional 60 days to make corrections and
21 resubmit the license application. The department shall act on a
22 resubmitted application within 60 days of receipt of that
23 application by the department.

24 (c) A home study program that was court-approved prior to,
25 and in operation on, January 1, 2007, may continue operations in
26 court-approved jurisdictions until the department's disapproval
27 of the license application or the conclusion of the period
28 described in subdivision (b), whichever occurs first.

29 (d) A home study program approved by the department shall
30 not commence operations on a statewide basis until the
31 department certifies that all applications submitted pursuant to
32 subdivision (a) have been approved or disapproved. The
33 department shall notify all courts of the specific implementation
34 date for access to the department's referral lists on the
35 department's Web site. On the implementation date, those courts
36 shall cease the distribution of all previously used
37 court-approved or CAP published home study provider lists.

38 (e) A home study program that does not submit an application
39 to the department for licensing in accordance with subdivision (a)
40 may submit an application to the department for licensing on or

1 after the implementation date specified by the department
2 pursuant to subdivision (d).

3 SEC. 7. Section 11201 is added to the Vehicle Code, to read:

4 11201. (a) A nontraffic violator who elects to attend a traffic
5 violator school shall receive from the traffic violator school and
6 shall sign a copy of, acknowledge, or otherwise indicate
7 agreement to, the following consumer disclosure statement prior
8 to the payment of the school fee and attending the school:

9 “Course content is limited to traffic violator curricula approved
10 by the Department of Motor Vehicles. Students in the classroom
11 may include traffic offenders, repeat traffic offenders, adults, and
12 teenagers, and those who have and those who have not been
13 referred by a court. Instructor training, business regulatory
14 standards, and Vehicle Code requirements of traffic violator
15 schools may be similar, but not identical to the training,
16 standards, and Vehicle Code requirements of licensed driving
17 schools (California Vehicle Code).”

18 (b) In the case of a minor who elects to attend a traffic violator
19 school, the minor’s parent or guardian shall sign, acknowledge,
20 or otherwise indicate agreement to, the consumer disclosure
21 statement.

22 (c) A copy of each completed consumer disclosure statement
23 shall be retained by the traffic violator school for a minimum of
24 36 months.

25 (d) This section does not apply to a person referred by a court
26 pursuant to Section 42005.

27 SEC. 8. Section 11202 of the Vehicle Code is repealed.

28 SEC. 9. Section 11202 is added to the Vehicle Code, to read:

29 11202. (a) Except as provided in subdivision (c), an owner of
30 a traffic violator school shall meet all of the following criteria
31 before a license may be issued by the department for that traffic
32 violator school:

33 (1) Maintain an established place of business in this state that
34 is open to the public. An office or place of business of a traffic
35 violator school, including a traffic violator school branch or
36 classroom location, shall not be located within 500 feet of a court
37 of law, unless the owner was established at the location on or
38 before July 1, 1984. A home study-based traffic violator school’s
39 place of business shall not be located in a residence, unless the
40 owner was established at the location as a California

1 court-approved home study program operating on January 1,
2 2007, and has complied, and continues to comply, with all
3 applicable local, state, and federal laws and regulations.

4 (2) Conform to standards established by regulation of the
5 department. In adopting the standards, the department shall
6 consider those practices and instructional programs that may
7 reasonably foster the knowledge, skills, and judgment necessary
8 for compliance with traffic laws. The standards may include, but
9 are not limited to, school personnel, equipment, curriculum,
10 procedures for the testing and evaluation of students, record
11 keeping, and business practices.

12 (3) Procure and file with the department a bond executed by
13 an admitted surety and conditioned upon the applicant not
14 practicing any fraud or making any fraudulent representation that
15 will cause a monetary loss to a person taking instruction from the
16 applicant or to the state or any local authority. ~~The bond for a~~
17 ~~traffic violator school is ten thousand dollars (\$10,000).~~

18 (A) *The amount of the bond described under this paragraph*
19 *for a traffic violator school offering only a classroom-based*
20 *program of instruction in traffic safety is two thousand dollars*
21 *(\$2,000).*

22 (B) *The amount of the bond described under this paragraph*
23 *for a traffic violator school that offers a home-study based*
24 *program of instruction in traffic safety is fifteen thousand dollars*
25 *(\$15,000).*

26 (4) (A) For a program of instruction that uses the
27 classroom-based method, have a classroom approved by the
28 department and the proper equipment necessary for giving
29 instruction to traffic violators.

30 (B) The department may require a home study program to
31 reasonably verify the identity of a person taking the traffic
32 violator course and completing the final examination. The
33 technologies acceptable to reasonably verify identity include, but
34 are not limited to, personal registration questions, biometric
35 technology, interactive query questionnaires, digital procedures,
36 and in-person verification procedures. Licensed home study
37 programs may provide these procedures using third-party
38 applications, if necessary.

39 (5) Meet the requirements of Section 11202.1, relating to
40 lesson plans and curriculum for traffic violator schools.

1 (6) Meet the requirements of Section 11202.2, relating to
2 service of process on a traffic violator school.

3 (7) Meet the requirements of Section 11202.5 and subdivision
4 (b) of Section 11208, relating to traffic violator school operators,
5 if the owner is also the operator of the traffic violator school. If
6 the owner is not the operator of the traffic violator school, the
7 owner shall designate an operator who shall meet the
8 requirements of Section 11202.5.

9 (8) Have a name approved by the department pursuant to
10 Section 11205. However, a licensed traffic violator school or, a
11 court-approved home study program, operating on January 1,
12 2007, may continue to use its name without the need to further
13 comply with Section 11205. If a licensee has the department's
14 approval for both a classroom and a home study program, each of
15 the two programs may be operated under two different names, a
16 primary and a secondary name, as designated by the licensee.

17 (9) Provide the department with a written assurance that the
18 school will comply with the applicable provisions of Subchapter
19 II or III of the Americans with Disabilities Act of 1990 (42
20 U.S.C. Sec. 12101, et seq.), and all other federal and state laws
21 prohibiting discrimination against individuals with disabilities.
22 Compliance may include providing sign language interpreters or
23 other accommodations for students with disabilities.

24 (b) Except as specified in Section 11200.1, the qualifying
25 requirements specified in subdivision (a) shall be met within one
26 year from the date of application for a license, or a new
27 application and fee is required.

28 (c) Paragraphs (3) and (6) of subdivision (a) do not apply to
29 public schools or other public agencies, which schools and
30 agencies are required to post a cash deposit pursuant to Section
31 11203.

32 (d) Paragraph (8) of subdivision (a) does not apply to a public
33 school or other public educational institution.

34 (e) A notice approved by the department shall be posted in a
35 traffic violator school, branch, and classroom location, and, in the
36 case of a home study program, provided to a person prior to
37 permitting the person to participate in the home study program,
38 stating that a person involved in the offering of, or soliciting for,
39 a completion certificate for attendance at a traffic violator school
40 or for participating in a home study program that a person is not

1 required to attend or complete, or does not complete the
2 minimum amount of instruction time required by Section
3 11202.1 may be guilty of violating Section 134 of the Penal
4 Code.

5 SEC. 10. Section 11202.1 is added to the Vehicle Code, to
6 read:

7 11202.1. (a) The department shall develop a lesson plan and
8 curriculum criteria that is designed to reduce subsequent traffic
9 violations and traffic collisions by those persons completing
10 traffic violator school, and designed to allow different forms of
11 instruction. The department may consult with an individual or
12 entity to develop these criteria, and shall solicit the input of the
13 Department of the California Highway Patrol and licensed traffic
14 violator schools. The criteria may include requirements for visual
15 aids and student participation to supplement lecture and reading
16 material in a classroom-based or home study program of
17 instruction.

18 (b) (1) A classroom-based traffic violator school shall have a
19 lesson plan approved by the department and provide not less than
20 the minimum instructional time specified in the plan. An
21 approved lesson plan shall provide not less than 240 minutes and
22 not more than 400 minutes of instruction in traffic safety that is
23 designed to improve safe driving habits and reduce traffic
24 accidents.

25 (2) A traffic violator school may continue to use its approved
26 lesson plan that provides a minimum of 400 minutes of
27 instruction in traffic safety until the department approves the
28 school's lesson plan containing not less than 240 minutes and not
29 more than 400 minutes of traffic safety instruction.

30 (c) (1) A traffic violator school that offers a home study
31 program shall have its curriculum approved by the department
32 and shall meet the criteria that the department determines will
33 provide an educational equivalent to that provided by a
34 classroom-based program. A home study program's curriculum
35 shall contain at least 40,000 words. In making its determination
36 regarding instructional equivalency, the department shall take
37 into consideration methodologies of instruction, and the
38 self-paced nature, and interactive aspects of a home study
39 program.

1 (2) A home study-based curriculum shall be submitted to the
2 department in a format to be determined by the department for
3 each mode of instruction. The department shall approve each
4 mode of instruction by reviewing the curricula in its finalized
5 format and the delivery method for each curriculum shall be in
6 full working order in the mode intended for distribution to traffic
7 violators.

8 ~~(g)~~

9 (d) Each year the department may review the curriculum
10 updates of each licensed traffic violator school to ensure that a
11 traffic violator school has incorporated into its programs
12 appropriate sections of this code and other pertinent laws enacted
13 during the previous year.

14 SEC. 11. Section 11202.2 is added to the Vehicle Code, to
15 read:

16 11202.2. An applicant for traffic violator school license shall
17 do the following:

18 (a) Execute and file with the department an instrument
19 designating the director as agent of the applicant for service of
20 process, as provided in this subdivision, in an action commenced
21 against the applicant arising out of any claim for damages
22 suffered by a person by the applicant's violation of any provision
23 of this code committed in relation to the specifications of the
24 applicant's traffic violator school or any condition of the bond
25 required under paragraph (3) of subdivision (a) of Section 11202.

26 (b) The applicant shall stipulate in the instrument that a
27 process directed to the applicant, when personal service cannot
28 be made in this state after due diligence, may be served instead
29 upon the director or, in the director's absence from the
30 department's principal offices, upon an employee in charge of
31 the office of the director, and this substituted service is of the
32 same effect as personal service on the applicant. The instrument
33 shall further stipulate that the agency created by this designation
34 shall continue during the period covered by the license issued
35 pursuant to this chapter and so long thereafter as the applicant
36 may be made to answer in damages for a violation of this code
37 for which the surety may be made liable or any condition of the
38 bond.

1 (c) The instrument designating the director as agent for service
2 of process shall be acknowledged by the applicant before a
3 notary public.

4 (d) If the director or an employee of the department, in lieu of
5 the director, is served with a summons and complaint on behalf
6 of the licensee, one copy of the summons and complaint shall be
7 left with the director or in the director's office in Sacramento or
8 mailed to the office of the director in Sacramento. A fee of five
9 dollars (\$5) shall also be paid to the director or employee at the
10 time of service of the copy of the summons and complaint, or
11 shall be included with a summons and complaint served by mail.

12 (e) The service on the director or department employee
13 pursuant to this paragraph is sufficient service on the licensee if a
14 notice of the service and a copy of the summons and complaint
15 is, on the same day as the service or mailing of the summons and
16 complaint, sent by registered mail by the plaintiff or his or her
17 attorney to the licensee. A copy of the summons and complaint
18 shall also be mailed by the plaintiff or plaintiff's attorney to the
19 surety on the licensee's bond at the address of the surety given in
20 the bond, postpaid and registered with request for return receipt.

21 (f) The director shall keep a record of all processes served
22 pursuant to this section showing the day and hour of service, and
23 shall retain the documents served in the department's files.

24 (g) If the licensee is served with process by service upon the
25 director or a department employee in lieu of the director, the
26 licensee has 30 days after that service within which to answer
27 any complaint or other pleading filed in the cause. For purposes
28 of venue, if the licensee is served with process by service upon
29 the director or a department employee in lieu of the director, the
30 service is considered to have been made upon the licensee in the
31 county in which the licensee has or last had his or her established
32 place of business.

33 SEC. 12. Section 11202.5 of the Vehicle Code is amended to
34 read:

35 11202.5. A person shall not act as a traffic violator school
36 operator without a currently valid license issued by the
37 department. A person, in order to qualify as a traffic violator
38 school operator shall meet ~~all of the following~~ *each of the*
39 *following applicable* criteria in order to be issued a traffic
40 violator school operator's license:

1 (a) Have not committed an act that, if the applicant were
2 licensed as a traffic violator school operator, would be grounds
3 for suspension or revocation of the license.

4 (b) Within three attempts, pass an examination that the
5 department requires on traffic laws, safe driving practices,
6 operation of motor vehicles, teaching methods and techniques,
7 traffic violator school statutes and regulations, and office
8 procedures and record keeping.

9 (c) Be 21 years of age or older.

10 ~~(d) Worked for one of the following:~~

11 ~~(1) An established California traffic violator school.~~

12 ~~(2) An established driving school licensed under Chapter 1~~
13 ~~(commencing with Section 11100).~~

14 ~~(3) An established commercial driving training and education~~
15 ~~program operated by a bona fide labor organization as an~~
16 ~~instructor for a period of not less than 500 hours of actual~~
17 ~~in-class instruction.~~

18 *(d) To qualify as a traffic school operator, the operator shall*
19 *have worked in one of the following capacities:*

20 *(1) As an instructor for an established California traffic*
21 *violator school, an established California driving school licensed*
22 *under Chapter 1 (commencing with Section 11100), or an*
23 *established commercial driving training and education program*
24 *operated by a bona fide labor organization, for a period of not*
25 *less than 500 hours of actual in-class instruction.*

26 *(2) As an owner, officer, or designated general manager for a*
27 *department licensed traffic violator school for not less than 12*
28 *months.*

29 *(3) As an owner, officer, or designated general manager for a*
30 *California court-approved home study-based traffic school for*
31 *not less than 12 months.*

32 SEC. 13. Section 11205 of the Vehicle Code, as amended by
33 Section 1 of Chapter 518 of the Statutes of 2003, is repealed.

34 SEC. 14. Section 11205 of the Vehicle Code, as amended by
35 Section 456 of Chapter 931 of the Statutes of 1998, is repealed.

36 SEC. 15. Section 11205.1 of the Vehicle Code is repealed.

37 SEC. 16. Section 11205.2 of the Vehicle Code is amended to
38 read:

39 11205.2. (a) As used in this chapter, court assistance
40 program (CAP) is a public or private nonprofit agency that

1 provides services, under contract with a court, to process traffic
2 violators.

3 (b) A court may use a CAP to assist the court in performing
4 services related to the processing of traffic violators. As used in
5 this section, “services” includes those services relating to the
6 processing of traffic violators at, and for, the court.

7 (c) Whenever a CAP monitors a designated traffic violator
8 school, the CAP shall follow the procedures set forth in
9 subdivision (d) of Section 11214. The CAP shall send its
10 monitoring report to the department for review, evaluation,
11 processing and any further action determined necessary by the
12 department. A copy of the report shall also be provided to the
13 court. The role of a CAP is limited to that set forth in this
14 chapter. Nothing in this chapter abrogates or limits the inherent
15 powers of the courts under Article VI of the California
16 Constitution.

17 (d) When a monitoring report is adverse, the CAP shall send a
18 copy to the licensee within 30 days after the date of the
19 monitoring. Copies of all other monitoring reports shall be
20 available to a licensee upon request and payment of a fee. The
21 fee may not exceed the cost of postage and photocopying.

22 (e) The department or a court may not remove the name of a
23 traffic violator school that does not have a suspended or revoked
24 license from any part of a student referral list published by the
25 department or CAP pursuant to Section 11205, unless the school
26 owner is first provided notice and the opportunity to request a
27 hearing conducted by the department or a court, to determine
28 whether there are sufficient grounds to warrant removal of the
29 school’s name. Any decision to remove a name may be appealed
30 to any court of competent jurisdiction.

31 (f) In the event that a CAP, acting pursuant to a contract with
32 a court, audits or inspects the records of a traffic violator school,
33 the CAP shall use the same process and procedures used by the
34 department to conduct the audit or inspection.

35 (g) This section does not preclude a court from entering into a
36 contract with public or private nonprofit agencies to provide
37 services to the court, other than those described in this section.

38 (h) The court may charge a traffic violator a fee to defray the
39 costs incurred by a CAP for the monitoring reports, *printing*
40 *referral lists*, and services provided to the court. The court may

1 delegate collection of the fee to the CAP. The fee charged by the
2 court shall not exceed the actual costs incurred by the CAP.

3 (i) The CAP fee authorized by this section is not applicable to
4 those nonviolators who elect to attend a licensed traffic violator
5 school pursuant to Section 11201.

6 SEC. 17. Section 11205.3 is added to the Vehicle Code, to
7 read:

8 11205.3. (a) A traffic violator school owner shall submit a
9 proposed name to the department, on a form approved by the
10 department, and may request a separate name approval for each
11 program method of instruction that the traffic violator school
12 plans to license.

13 (b) The department shall have 60-days to act on a request for
14 name approval. If the department fails to approve or disapprove a
15 proposed name within the 60-day period after the department
16 received the application for name approval, the proposed name
17 shall be deemed approved by the department for use by the traffic
18 violator school for all purposes.

19 (c) In making a determination under this section regarding a
20 proposed name, the department shall use as its criteria whether
21 the proposed name is misleading to the public, or implies that the
22 school offers inducements or premiums that derogate or distort
23 the instructional intent of the traffic safety program. The
24 department shall use as a guide for its decision to approve or
25 disapprove a proposed name, the court-approved names of
26 licensed traffic violator schools and court-approved home study
27 programs that were operating between January 1, 2005, and
28 December 31, 2006.

29 (d) If the department approves the proposed name, it shall
30 notify the applicant of its decision within the time period set forth
31 in subdivision (b).

32 (e) (1) If the department determines, pursuant to subdivision
33 (c), that the proposed name is inappropriate, the department shall
34 immediately notify the applicant that the department has
35 disapproved the proposed name. In its written notice to the
36 applicant of its decision to reject the proposed name, the
37 department shall set forth the specific basis, rationale, and
38 supporting evidence for the department's decision. A recital of
39 the criteria set forth in subdivision (c) is not sufficient to meet
40 this requirement.

(2) If requested by the applicant, or its representative, the department shall schedule a hearing for that applicant at which the sole issue shall be whether the name violates the standards set forth in subdivision (c).

(3) The department shall schedule, conduct, and complete a hearing within 60 days of receipt of the applicant's request for a hearing.

(f) A substitute proposed name may be submitted, pursuant to this section, to the department for approval at any time before or after the conclusion of the hearing. The department shall, within 30 days of receipt of the request for approval of the substitute name, inform the applicant, on a form approved by the department, of its approval or disapproval of the substitute name. The applicant may continue this appeal process for approval of a substitute name until the department determines that the name does not violate the standards set forth in subdivision (c).

(g) A traffic violator school that also offers nonclassroom methods of instruction shall be permitted to apply, pursuant to this section, for a separate name to be used with the nonclassroom method of instruction.

(h) A decision by the department to reject a proposed name or substitute name may be reviewed by any court of competent jurisdiction.

(i) A licensed traffic violator school or court-approved home study program operating on December 31, 2006, may continue to use its then current primary name.

(j) The department shall not impose a fee on a school for the name approval under this section.

SEC. 18. Section 11205.5 is added to the Vehicle Code, to read:

11205.5. The department shall publish an accurate list of the owners and operators of traffic violator schools licensed by the department on its Web site. All superior courts in the state shall have access to this information. This list shall be revised at least quarterly in the months of January, April, July, and October. This list shall include all of the following:

(a) The department approved name of each school and program, grouped by owner.

(b) The name of the owner of the school.

(c) The business office address.

1 (d) The business office telephone number for each program.

2 (e) The license number issued by the department to the school
3 owner for each program.

4 (f) The name of the operator of each program.

5 (g) The Web site of each approved program, if any.

6 (h) The modes of instruction offered.

7 SEC. 19. Section 11205.6 is added to the Vehicle Code, to
8 read:

9 11205.6. (a) (1) The department shall post on its Web site,
10 by traffic school name, an accurate classroom-based and home
11 study-based traffic violator school referral list of all approved
12 locations of traffic violator school classes. The list shall be
13 ~~revised at least quarterly in the months of January, April, July,~~
14 ~~and October.~~ *monthly, or as often as is necessary, to serve the*
15 *needs of this article.*

16 (2) *The department shall provide, upon the request of a court,*
17 *printed copies of the referral list.*

18 (3) *A court shall do the following with respect to a person*
19 *ordered or permitted to attend a program of instruction in traffic*
20 *safety at a department licensed traffic violator school:*

21 (A) *Provide a printed copy of the current classroom-based and*
22 *the home study-based referral list.*

23 (B) *Advise the person of the availability of the referral list on*
24 *the department's Web site.*

25 (C) *Advise the person of the availability of the department's*
26 *toll-free telephone number in order to obtain printed copies of*
27 *the referral list.*

28 (D) *If the court has elected to develop its own referral list,*
29 *provide a printed copy of that list. That list shall only include*
30 *selected traffic violator schools that appear on the list described*
31 *in paragraph (1).*

32 (b) For a classroom-based licensed traffic violator school, this
33 list shall include all of the following:

34 (1) The name of the traffic violator school, as approved
35 pursuant to Section ~~11205~~ 11205.3.

36 (2) A telephone number to be used by students for
37 information.

38 (3) The name of each county, judicial districts, and cities
39 where classes are offered.

1 (c) A classroom-based traffic violator school program shall be
2 permitted to use one classroom-based school name within a
3 judicial district.

4 (d) The classroom-based portion of the referral list shall be
5 organized alphabetically in sections for each county and in
6 subsections for each judicial district within the county. The order
7 of the school names within each judicial district group shall be
8 rotated upward every subsequent time the list is published, such
9 that the name entry in the second position within a judicial
10 district group shall be rotated to the top of the list within the
11 group, and the name entry at the top of the group district shall be
12 rotated to the bottom of the judicial district group, thus assuring
13 an equal opportunity for all licensees.

14 (e) For a home study based licensed traffic violator school,
15 this list shall include all of the following for each school:

16 (1) The name of the traffic violator school approved pursuant
17 to Section 11205.

18 (2) A Web site address, if any, using the name approved
19 pursuant to Section 11205.

20 (3) The modes of instruction or which the school has been
21 licensed by the department to use.

22 (4) A telephone number to be used by students for
23 information.

24 (f) A traffic violator school owner shall be permitted only one
25 approved name on the home study referral list.

26 (g) The home study portion of the referral list shall be treated
27 as a single list for the purpose of collating the list in a manner
28 that every time a list updated, the school in the second position
29 rotates to the top of the subsequent list, thus assuring an equal
30 opportunity for all licensees.

31 SEC. 20. Section 11208 of the Vehicle Code is amended to
32 read:

33 11208. (a) Fees for issuance by the department of a license to
34 a traffic violator school owner shall be as follows:

35 (1) For the original license or an ownership change which
36 requires a new application, except as provided by Section 42231,
37 a fee of one hundred fifty dollars (\$150) for a classroom-based
38 traffic violator school, with an additional fee of seventy dollars
39 (\$70) for each separate traffic violator school branch or
40 classroom location licensed, and for a home study-based traffic

1 violator school a fee of two thousand dollars (\$2,000). The fee
2 prescribed by this subdivision is nonrefundable.

3 (2) For annual renewal of the license for a classroom-based
4 traffic violator school and for each branch *or classroom* location,
5 a fee of fifty dollars (\$50). For annual renewal of the license for a
6 home study-based traffic violator school, a fee of two hundred
7 fifty dollars (\$250).

8 (3) If alteration of an existing license is required by a firm
9 name change, a change in corporate officer structure, address
10 change, or the addition of a traffic violator school branch or
11 classroom location, a fee of seventy dollars (\$70).

12 (4) For replacement of the license certificate when the original
13 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

14 (5) For each format of home study program curriculum
15 review, a fee of five hundred dollars (\$500). To ensure the
16 department has adequate funding to provide the curriculum
17 review, the department may adjust that fee as necessary.

18 (b) Fees for the issuance by the department of a license for a
19 traffic violator school operator shall be as follows:

20 (1) For the original license, a nonrefundable fee of one
21 hundred dollars (\$100).

22 (2) For annual renewal of the license, a fee of fifty dollars
23 (\$50).

24 (3) If alteration of an existing license is caused by a change in
25 the name or location of the established principal place of
26 business of the traffic violator school operated by the licensee,
27 including a transfer by a licensee from one traffic violator school
28 to another, a fee of fifteen dollars (\$15).

29 (4) For replacement of the license certificate when the original
30 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

31 (c) Fees for the issuance by the department of a license for a
32 traffic violator school instructor shall be as follows:

33 (1) For the original license, except as provided by Section
34 42231, a nonrefundable fee of thirty dollars (\$30).

35 (2) For the triennial renewal of a license, a fee of thirty dollars
36 (\$30).

37 (3) If alteration of an existing license is required by a change
38 in the name or location of the traffic violator school employing
39 the instructor, or by the transfer of the instructor's license to

1 another employing traffic violator school, a fee of fifteen dollars
2 (\$15).

3 (4) For replacement of the instructor's license certificate when
4 the original license is lost, stolen, or mutilated, a fee of fifteen
5 dollars (\$15).

6 ~~(d) The department shall charge a traffic violator school a~~
7 ~~nonrefundable administrative fee of three dollars (\$3) for each~~
8 ~~completion certificate issued to that school.~~

9 *(d) The department shall charge a traffic violator school a*
10 *nonrefundable administrative fee of three dollars (\$3) for each*
11 *completion certificate issued by the traffic violator school to a*
12 *person referred by a court pursuant to Section 42005 and*
13 *completing the instruction in traffic safety at that school.*

14 SEC. 21. Section 11208.5 is added to the Vehicle Code, to
15 read:

16 11208.5. All moneys derived from licensing traffic violator
17 schools and the administration fee imposed pursuant to
18 subdivision (d) of Section 11208, shall be deposited in the Traffic
19 Violator School Account that is hereby established in the Motor
20 Vehicle Account of the State Transportation Fund. Moneys in the
21 Traffic Violator School Account shall, upon appropriation by the
22 Legislature, be used by the department only for the purposes of
23 licensing, monitoring, and auditing traffic violator schools.

24 SEC. 22. Section 11212 of the Vehicle Code is amended to
25 read:

26 11212. (a) An owner licensed under this chapter shall keep a
27 record at the traffic violator school's primary business location
28 showing all of the following for each student:

29 (1) The name and address and license number of the traffic
30 violator school providing instruction.

31 (2) The name and address of each person given instruction.

32 (3) The instruction permit number or driver's license number
33 of each person given instruction.

34 (4) The name and number of the license issued pursuant to
35 Section 11207 of the traffic violator school instructor.

36 (5) The particular type of instruction given and the date or
37 dates of the instruction.

38 (6) A statement as to whether the approved lesson plan was
39 followed.

1 (7) The total number of minutes of instruction when the
2 instruction program is provided by the classroom method.

3 (8) The total cost to the student of the instruction, that shall
4 not exceed the amount of the fee represented or advertised by the
5 traffic violator school at the time of the student's enrollment.

6 (9) The court docket case, or citation number under that the
7 student was referred to a traffic violator school.

8 (10) The number of the completion certificate issued to the
9 student pursuant to subdivision (a) of Section 11219.3 and, if
10 different, the number of any copy thereof issued to the student.

11 (b) The records shall be retained for a minimum of three years
12 and shall be open to the inspection during business hours and at
13 all other reasonable times by the department, the court, a private
14 entity providing monitoring pursuant to Section 11222, the
15 Legislative Analyst, and the State Auditor or authorized
16 employees thereof, but shall be only for confidential use.

17 (c) Whenever a licensee suspends or terminates the licensed
18 activity, the licensee shall surrender the records specified in
19 subdivision (a) to the department for examination not later than
20 the end of the third day, excluding Saturdays, Sundays, and legal
21 holidays, after the date of suspension or termination. The
22 department may duplicate or make a record of any information
23 contained therein. All these records shall be returned to the
24 licensee not later than 30 days after the date of surrender.

25 (d) The address of any person kept pursuant to paragraph (2)
26 of subdivision (a) shall only be used by the school for school
27 administrative purposes.

28 SEC. 23. Section 11214 of the Vehicle Code is amended to
29 read:

30 11214. (a) Except as provided in this chapter, the department
31 may audit, inspect, and monitor, all licensed traffic violator
32 schools.

33 (b) The department may annually audit the records of a
34 licensee. Auditing includes, but is not limited to, the review and
35 examination of business records, class records when applicable,
36 business practices, and the content of the program of instruction
37 set forth in the lesson plan or curriculum of a licensee.

38 (c) Inspecting includes, but is not limited to, the review of the
39 business office, branch office, and applicable classroom facilities
40 of a licensee.

(d) Monitoring includes the review of the actual presentation of the program of traffic safety instruction provided in any mode of instruction used by the traffic violation school.

(e) Within each county, the department may monitor a representative program of instruction in traffic safety, provided by a licensed traffic violator school.

(f) The department may enter into a contract with a CAP to monitor classroom or home study programs of traffic safety, or both.

SEC. 24. Section 11215.5 of the Vehicle Code is amended to read:

11215.5. The department, after notice and hearing, may also suspend or revoke any license issued under this chapter when any of the following circumstances exist:

(a) If the main business office of the traffic violator school does not maintain office hours during the time that the day courts in that county are open for business. This subdivision shall not apply to public schools.

(b) If the licensee is found by the department to be selling, or knowingly permitting the sale of, completion certificates.

(c) If the licensee is found by the department to be intentionally cutting instructional program time.

(d) (1) If the licensee is found by the department to be intentionally diverting a student, without disclosure to that student, to a traffic school other than the school initially contacted by that student.

(2) For purposes of paragraph (1), the disclosure requirement is satisfied if a student consents to the diversion.

SEC. 25. Section 11216.2 of the Vehicle Code is amended to read:

11216.2. A license issued to the owner or operator of a traffic violator school under this chapter shall be automatically suspended for 30 days by the department if the department has been notified that more than one final determination has been made that the traffic violator school has violated a student's rights under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.) or any other federal or state law prohibiting discrimination against individuals with disabilities. The final determination shall be made by a federal or state court of competent jurisdiction or an appropriate federal or state

1 administrative agency, including, but not limited to, the
2 Department of Fair Employment and Housing, or any
3 combination thereof.

4 For the purpose of this subdivision, “final determination”
5 means that no further appeal of a determination can be taken to
6 any court because the time period for the appeal has expired.

7 SEC. 26. Section 11219.1 is added to the Vehicle Code, to
8 read:

9 11219.1. The department shall provide certificates of
10 completion only to licensed traffic violator schools. The
11 department shall make available a three-part completion
12 certificate suitable for traffic violator schools using the classroom
13 method of instruction, and a completion certificate suitable for
14 use by a traffic violator school that provides a nonclassroom
15 method of instruction. A traffic violator school may obtain from
16 the department only completion certificates applicable to the type
17 of instruction the school offers. If determined feasible by the
18 department, the department may permit traffic violator schools to
19 acquire completion certificates from the department’s Web site
20 or from other sources developed by the department.

21 SEC. 27. Section 11219.2 is added to the Vehicle Code, to
22 read:

23 11219.2. (a) As conditions to receiving a certificate of
24 completion, a traffic violator completing a program of traffic
25 safety instruction shall demonstrate the extent of his or her
26 knowledge of the program material by passing a final
27 examination with a minimum score of 70 percent correct
28 answers. The final examination shall be administered and graded
29 by the traffic violator school with the test scores retained by the
30 traffic violator school as part of its record keeping. The final
31 examination shall be developed by each traffic violator school to
32 meet the criteria designated by the department and consistent
33 with the program’s material.

34 (b) A traffic violator that completes a home study-based
35 program of instruction in traffic safety shall be required to state
36 or acknowledge, under penalty of perjury, that the person
37 personally completed the entire home study program and the
38 final examination.

39 SEC. 28. Section 11219.3 of the Vehicle Code is repealed.

SEC. 29. Section 11219.3 is added to the Vehicle Code, to read:

11219.3. (a) Upon satisfactory completion of the program of traffic safety instruction and passing the final examination offered by a traffic violator school, the school shall provide the student, referred by a court pursuant to Section 42005, with a certificate of completion furnished by the department to the traffic violator school. A traffic-violator school may charge a fee not to exceed fifteen dollars (\$15) for replacement of a duplicate certificate of completion requested by a traffic violator, when the original was lost, stolen, or mutilated.

(b) The traffic violator shall personally deliver or mail the certificate of completion to the court as proof of completion of instruction and no other proof of completion of instruction submitted by him or her may be accepted by the court.

(c) A certificate of completion may not be issued to a nontraffic violator that elects to attend a traffic violator school pursuant to Section 11201. Instead, the school shall issue a letter of completion to the person who completed the program of instruction in traffic safety.

SEC. 30. Section 11219.4 is added to the Vehicle Code, to read:

11219.4. Except as provided otherwise in this chapter, all records of traffic violator schools related to traffic violators, including a traffic violator's name, residence address, telephone number, personal identifying information, and driver's license number, are confidential and shall not be disclosed to a person other than a court, law enforcement agency, the department, or other governmental agency.

SEC. 31. Section 11219.5 of the Vehicle Code is amended to read:

11219.5. A traffic violator school shall issue a receipt for any fee collected by the traffic violator school from a person who registers for, attends, or completes a program of instruction in traffic safety at the traffic violator school. A licensee under this chapter is not required to provide a program of instruction in traffic safety to a person for a fee that is less than the standard fee normally charged by the licensee for its program.

SEC. 32. Section 41501 of the Vehicle Code is amended to read:

1 41501. The court may order a continuance of a proceeding
2 against a person, who receives a notice to appear in court for a
3 violation of a statute relating to the safe operation of a vehicle, in
4 consideration for the completion of a program of instruction in
5 traffic safety at a licensed traffic violator school, and, after that
6 completion and pursuant to Section 1803.5 or 42005, the court
7 may dismiss the complaint under the following conditions:

8 (a) If the offense is alleged to have been committed within 12
9 months of another offense that was dismissed under this section,
10 the court may order the continuance and, after the completion of
11 a program of instruction in traffic safety at a licensed traffic
12 violator school, dismiss the complaint. The court may order
13 completion of the program at a licensed traffic violator school
14 that offers a program of at least 12 hours of instruction.

15 (b) If the offense is not alleged to have occurred within 18
16 months of another offense that was dismissed under this section,
17 the court may order the continuance and, after the completion of
18 a program of instruction in traffic safety at a licensed traffic
19 violator school, dismiss the complaint.

20 SEC. 33. Section 42005 of the Vehicle Code is amended to
21 read:

22 42005. (a) The court may order or permit a person convicted
23 of a traffic violation to complete a program of instruction in
24 traffic safety at a traffic violator school licensed pursuant to
25 Chapter 1.5 (commencing with Section 11200) of Division 5.

26 (b) In lieu of adjudicating a traffic offense committed by a
27 person who holds a noncommercial class C, class M1, or class
28 M2 driver's license, and with the consent of the defendant, the
29 court may order the person to complete a program of instruction
30 in traffic safety at a licensed traffic violator school.

31 (c) Pursuant to Title 49 of the Code of Federal Regulations,
32 the court may not order or permit a person who holds a class A,
33 class B, or commercial class C driver's license to complete a
34 program of instruction in traffic safety at licensed traffic violator
35 school in lieu of adjudicating any traffic offense committed by
36 the holder of a class A, class B, or commercial class C driver's
37 license.

38 (d) The court may not order or permit a person, regardless of
39 the driver's license class, to complete a program of instruction in
40 traffic safety at licensed traffic violator school in lieu of

1 adjudicating an offense if that offense had occurred in a
2 commercial motor vehicle, as defined in subdivision (b) of
3 Section 15210.

4 (e) Except as otherwise provided in subdivision (f), a person
5 so ordered *or permitted* may choose the traffic violator school the
6 person will attend. The court shall make available to each person
7 ~~subject to that order the current list of traffic violator schools~~
8 ~~published by the department pursuant to Section 11205. so~~
9 ~~ordered, or permitted, a printed copy of the current applicable~~
10 ~~list described in paragraph (3) of subdivision (a) of Section~~
11 ~~11205.6.~~

12 (f) In those counties where, prior to January 1, 1985, one or
13 more individual courts, or the county acting on behalf of one or
14 more individual courts, contracted for the provision of traffic
15 safety instructional services to traffic violators referred by the
16 court pursuant to a pretrial diversion program, the courts may
17 restrict referrals under this section to those schools for traffic
18 violators or licensed driving schools that are under contract with
19 the court or with the county to provide traffic safety instructional
20 services for persons referred pursuant to subdivision (a).

21 (g) A county described in Section 28023 of the Government
22 Code may continue to provide the program authorized by this
23 section in accordance with the provisions of current contracts ~~if~~
24 ~~the program meets or exceeds the minimum instructional time~~
25 ~~and curriculum criteria established under Section 11202.1. The~~
26 ~~county shall be exempt and future contracts, as may be amended~~
27 ~~and approved by the individual courts with the county, and the~~
28 ~~county, shall be exempt~~ from state regulations relative to
29 maximum classroom attendance.

30 ~~(h) When an exempted county's current contract expires, the~~
31 ~~exempted county shall order or permit attendance at only~~
32 ~~licensed traffic violator schools.~~

33 (i)

34 (h) Notwithstanding subdivisions (f) and (g), a court in the
35 counties described in those subdivisions shall comply with the
36 prohibitions set forth in subdivisions (c) and (d).

37 (j)

38 (i) A person who willfully fails to comply with a court order to
39 attend traffic violator school is guilty of a misdemeanor.

40 SEC. 34. Section 42005.1 of the Vehicle Code is repealed.

1 SEC. 35. Section 42007 of the Vehicle Code is amended to
2 read:

3 42007. (a) The clerk of the court shall collect a fee from a
4 person who is ordered or permitted to complete a program of
5 traffic safety instruction at a traffic violator school licensed by
6 the department, pursuant to Section 42005. The fee shall be in an
7 amount equal to the total bail set forth for the eligible offense on
8 the uniform countywide bail schedule. As used in this
9 subdivision, “total bail” means the amount established pursuant
10 to Section 1269b of the Penal Code in accordance with the
11 Uniform Statewide Bail Schedule adopted by the Judicial
12 Council, including all assessments, surcharges, and penalty
13 amounts. Where multiple offenses are charged in a single notice
14 to appear, the “total bail” is the amount applicable for the greater
15 of the qualifying offenses. However, the court may determine a
16 lesser fee under this subdivision upon a showing that the
17 defendant is unable to pay the full amount.

18 The fee shall not include the cost, or any part thereof, of traffic
19 safety instruction offered by the traffic violator school.

20 (b) Revenues derived from the fee collected under this section
21 shall be deposited in accordance with Section 68084 of the
22 Government Code in the general fund of the county and, as may
23 be applicable, distributed as follows:

24 (1) In a county in which a fund is established pursuant to
25 Section 76100 or 76101 of the Government Code, the sum of one
26 dollar (\$1) for each fund so established shall be deposited with
27 the county treasurer and placed in that fund.

28 (2) In a county that has established a Maddy Emergency
29 Medical Services Fund pursuant to Section 1797.98a of the
30 Health and Safety Code, an amount equal to the sum of each two
31 dollars (\$2) for every seven dollars (\$7) that would have been
32 collected pursuant to Section 76000 of the Government Code
33 shall be deposited in that fund. Nothing in the act that added this
34 paragraph shall be interpreted in a manner that would result in
35 either of the following:

36 (A) The utilization of penalty assessment funds that had been
37 set aside, on or before January 1, 2000, to finance debt service on
38 a capital facility that existed before January 1, 2000.

39 (B) The reduction of the availability of penalty assessment
40 revenues that had been pledged, on or before January 1, 2000, as

1 a means of financing a facility that was approved by a county
2 board of supervisors, but on January 1, 2000, is not under
3 construction.

4 (3) The amount of the fee that is attributable to Section 70372
5 of the Government Code shall be transferred pursuant to
6 subdivision (f) of that section.

7 (c) For fees resulting from city arrests, an amount equal to the
8 amount of base fines that would have been deposited in the
9 treasury of the appropriate city pursuant to paragraph (3) of
10 subdivision (b) of Section 1463.001 of the Penal Code shall be
11 deposited in the treasury of the appropriate city.

12 (d) The clerk of the court, in a county that offers traffic
13 violator school shall include in any courtesy notice mailed to a
14 defendant for an offense that qualifies for traffic violator school
15 attendance the following statement:

16 NOTICE: If you are eligible and decide not to attend and
17 complete traffic violator school your automobile insurance may
18 be adversely affected.

19 ~~SEC. 36. Section 42007.1 of the Vehicle Code is amended to~~
20 ~~read:~~

21 ~~42007.1. (a) The fee collected by the clerk pursuant to~~
22 ~~subdivision (a) of Section 42007 shall be in an amount equal to~~
23 ~~the total bail set forth for the eligible offense on the uniform~~
24 ~~countywide bail schedule plus twenty-seven dollars (\$27).~~

25 ~~(b) Notwithstanding subdivision (b) of Section 42007, the~~
26 ~~revenue from the twenty-seven dollar (\$27) nonrefundable fee~~
27 ~~collected under this section shall be deposited or transferred as~~
28 ~~follows:~~

29 ~~(1) Twenty-four dollars (\$24) into the county general fund.~~

30 ~~(2) Three dollars (\$3) into the Traffic Violator School Account~~
31 ~~in the Motor Vehicle Account of the State Transportation Fund.~~

32 ~~SEC. 37. Section 42007.3 of the Vehicle Code is amended to~~
33 ~~read:~~

34 ~~42007.3. (a) Notwithstanding Section 42007, revenues~~
35 ~~derived from fees collected under Section 42007 from each~~
36 ~~person required or permitted to attend traffic violator school~~
37 ~~pursuant to Section 42005 as a result of a violation of subdivision~~
38 ~~(a) or (c) of Section 21453, subdivision (c) of Section 21454, or~~
39 ~~subdivision (a) of Section 21457 shall be allocated as follows:~~

1 ~~(1) The first 30 percent of the amount collected shall be~~
2 ~~allocated to the general fund of the city or county in which the~~
3 ~~offense occurred.~~

4 ~~(2) The balance of the amount collected shall be deposited by~~
5 ~~the county treasurer under Section 42007.~~

6 ~~(b) This section does not apply to the additional twenty-seven~~
7 ~~dollars (\$27) collected under subdivision (a) of Section 42007.1.~~

8 ~~SEC. 38. Section 42007.4 of the Vehicle Code is amended to~~
9 ~~read:~~

10 ~~42007.4. (a) Notwithstanding Section 42007, revenues~~
11 ~~derived from fees collected under Section 42007 from a person~~
12 ~~required or permitted to attend traffic violator school pursuant to~~
13 ~~Section 369b of the Penal Code as a result of a violation of~~
14 ~~subdivision (c) of Section 21752, involving railroad grade~~
15 ~~crossings, or Section 22451 or 22452 shall be allocated as~~
16 ~~follows:~~

17 ~~(1) If the offense occurred in an area where a transit district or~~
18 ~~transportation commission established under Division 12~~
19 ~~(commencing with Section 130000) of the Public Utilities Code~~
20 ~~provides rail transportation, the first 30 percent of the amount~~
21 ~~collected shall be allocated to the general fund of that transit~~
22 ~~district or transportation commission to be used only for public~~
23 ~~safety and public education purposes relating to railroad grade~~
24 ~~crossings.~~

25 ~~(2) If there is no transit district or transportation commission~~
26 ~~providing rail transportation in the area where the offense~~
27 ~~occurred, the first 30 percent of the amount collected shall be~~
28 ~~allocated to the general fund of the county in which the offense~~
29 ~~occurred, to be used only for public safety and public education~~
30 ~~purposes relating to railroad grade crossings.~~

31 ~~(3) The balance of the amount collected shall be deposited by~~
32 ~~the county treasurer under Section 1463 of the Penal Code.~~

33 ~~(4) A transit district, transportation commission, or a county~~
34 ~~that is allocated funds pursuant to paragraph (1) or (2) shall~~
35 ~~provide public safety and public education relating to railroad~~
36 ~~grade crossings only to the extent that those purposes are funded~~
37 ~~by the allocations provided pursuant to paragraph (1) or (2).~~

38 ~~(b) This section does not apply to the additional twenty-seven~~
39 ~~dollars (\$27) collected under subdivision (a) of Section 42007.1.~~

1 ~~SEC. 39.~~

2 *SEC. 36.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the
7 penalty for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition of a
9 crime within the meaning of Section 6 of Article XIII B of the
10 California Constitution.

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